

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DUNCAN K ROBERTSON,

Plaintiff,

v.

GMAC MORTGAGE LLC, et al.,

Defendants.

CASE NO. C12-2017-MJP

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

THIS MATTER comes before the Court on remand from the Ninth Circuit Court of Appeals. (Dkt. Nos. 220, 224.) In its Memorandum of January 5, 2016, the Ninth Circuit panel remanded to the district court the task of conducting an evidentiary hearing to determine the following:

1) The location of the main office of J.P. Morgan Chase Bank, N.A. (“Chase”) (Dkt. No. 220 at 6 n.5);

2) The location of the main office of Bank of New York Mellon Trust Company, N.A. (“BNY”) (Dkt. No. 220 at 6 n.5); and



1 4. Service Link's corporate headquarters are located in Coraopolis, Pennsylvania, where  
2 high-level decision making is conducted.

3 5. Neither LSI nor Service Link have or had a center for decision making in Washington  
4 or Oregon, and neither have or had officers or employees in Washington or Oregon.

5 6. Representations were made to Washington's Office of the Insurance Commissioner  
6 that LSI had a mailing address in Bellevue, Washington.

7 7. Duncan Robertson, by drafting a declaration for Ms. Cheryll Penn, an employee of the  
8 Office of the Insurance Commissioner, inserted confusion into the court record by identifying the  
9 Bellevue, Washington address as a "principle place of business" for LSI. In fact, the documents  
10 establish a mailing address and not a nerve center for LSI. Ms. Penn, the declarant, was  
11 confused by the term of art used by Mr. Robertson.

12 8. Mr. Robertson is a citizen of Oregon.

13 **Conclusions of Law**

14 1. The burden of proof on the removing parties is preponderance of the evidence.

15 2. This Court has jurisdiction and removal was proper.

16 3. Complete diversity existed between all Parties at the time of filing, at the time of  
17 removal, and at the time judgment was entered.

18 4. Mr. Robertson is a citizen of Oregon.

19 5. Chase is a citizen of Ohio. See Rouse v. Wachovia Mortgage, FSB, 747 F.3d 707,  
20 708 (9th Cir. 2014) (citing Wachovia Bank v. Schmidt, 546 U.S. 303, 314, 318-19 (2006)).

21 6. BNY is a citizen of California. See id.

22 7. LSI (which has become Service Link) is a citizen of Illinois through its incorporation  
23 in that state. LSI had its nerve center and principle place of business in California in 2012 and in  
24

1 Pennsylvania in 2014. Accordingly, LSI was a citizen of California in 2012 and of Pennsylvania  
2 in 2014. See Hertz Corp. v. Friend, 559 U.S. 77, 92-96 (2010).

3 8. LSI is not a home-forum defendant.

4 9. The panel of the Ninth Circuit Court of Appeals retains jurisdiction over all further  
5 proceedings.

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7 The clerk is ordered to provide copies of this order to all counsel.

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9 Dated this 16th day of June, 2016.

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13 Marsha J. Pechman  
14 United States District Judge  
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